



{In Archive} ALJ recommendation on Goliad
Scott Ellinger to: Ray Leissner

04/07/2011 11:12 AM

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This is what I was referring to this morning.

XXIX. CONCLUSION AND RECOMMENDATION

The ALJ recommends that the Mine Application and the PAA-1 Application be remanded for UEC to conduct a Northwest Fault pump test with equipment known to be operating properly, conducted by a testing official known to be skilled and experienced with the use of the equipment, and performed on wells in the same sand on opposite sides of the Northwest Fault to determine whether the Northwest Fault is sealed or transmissive. Further, that the record be reopened for admission of that additional pump test evidence and for cross-examination.

Also, if the pump test shows the Northwest Fault is transmissive further evidence should be presented as to the effect, if any, on the ability to conduct the proposed *in situ* uranium mining without undue risk of polluting ground and surface water outside the exemption area. If the Commission determines that such remand is not feasible or desirable then the ALJ recommends that the Mine Application and the PAA-1 Application be denied. The ALJ also recommends that the Commission allocate transcript costs 75% to UEC and 25% to Protestants, including and giving credit for the cost Protestants paid for their copy of the transcript.

SIGNED September 28, 2010.

RICHARD R. WILFONG
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS